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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

v.

FRED MEYER STORES, INC., a Delaware
corporation; and JAIME SAN MIGUEL,

Defendants.

Case No. 1J-04-008-CV (RRB)

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**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S TRIAL EXHIBITS**

The Court's Pretrial Order (Document 85) dated April 5, 2007, per Local Rule 39.3, directed the parties to meet with a deputy clerk to review trial exhibits before September 12, 2007. Plaintiff had the responsibility to arrange a time for this meeting and exhibit review.

Plaintiff did not arrange for a meeting with a deputy clerk and defense counsel on or before September 12, 2007, as described in the Pretrial Order. This is difficult because while plaintiff's counsel is in Juneau, defendants' co-counsel are in Seattle and Anchorage, respectively. In discussions after September 12, 2007, between counsel and the deputy clerk, it was agreed that the parties would meet immediately prior to trial to review the exhibits for

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the purpose of narrowing potential issues as to admissibility or authentication. But in accordance with the Pretrial Order the parties submitted their exhibit list and now have exchanged exhibits in advance of trial.

On September 17, 2007, defendants provided plaintiff with their proposed trial exhibits (identified by Bates number), all of which had been produced for plaintiff with that identification so they easily could be identified and assimilated by plaintiff. Furthermore, on September 20, 2007, a copy of all exhibits listed by defendants was sent to the Court and plaintiff's counsel.

On September 17, 2007, defendants received plaintiff's list of proposed exhibits by a brief description, but without any Bates numbers or other identification to make clear exactly what the particular exhibit is. Copies of plaintiff's exhibits finally were received by defendants on September 21, 2007. Defendants' objections below are based upon a limited review (given time restrictions) of plaintiff's proposed exhibits, and without waiving the right to make further objections to other exhibits from plaintiff after the opportunity to review them in more detail and after rulings by the Court on pending motions.

**DEFENDANTS OBJECT TO THE FOLLOWING
PROPOSED EXHIBITS BY PLAINTIFF**

Exhibit No.	Reason
2	FRE 402, 403, 802
3	FRE 402, 403
4	FRE 402, 403
11	FRE 402, 403, 802
18	FRE 802
20	FRE 402, 403
21	FRE 402, 403
22	FRE 402, 403
23	FRE 402, 403
24	FRE 402, 403

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Exhibit No.	Reason
25	FRE 402, 403
26	FRE 402, 403
28	FRE 402, 403
29	FRE 402, 403
30	FRE 402, 403
31	FRE 402, 403, 404, 802, 805, 901
32	FRE 402, 403, 404, 802, 805, 901
33	FRE 402, 403, 404, 802, 805, 901
34	FRE 402, 403, 404, 802, 805, 901
35	FRE 402, 403, 404, 802, 805, 901
36	FRE 402, 403, 404, 802, 805, 901
37	FRE 402, 403, 404, 802, 805, 901
38	FRE 402, 403, 404, 802, 805, 901
39	FRE 402, 403, 404, 802, 805, 901
40	FRE 402, 403, 404, 802, 805, 901
41	FRE 402, 403, 404, 802, 805, 901
43	ER 402, 403
44	ER 402, 403
45	FRE 402, 403, 404, 802
46	FRE 402, 403, 404, 802
47	FRE 402, 403, 404, 802
48	FRE 402, 403, 404, 802
49	FRE 402, 403, 802, 805, 901
52	FRE 402, 403, 802
53	FRE 402, 403, 802
54	FRE 402, 403, 802, 805, 901

DEFENDANTS' OBJECTIONS TO
 PLAINTIFF'S TRIAL EXHIBITS

Johnson v. Fred Meyer
 Case No. 1J-04-008-CV
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RESPECTFULLY SUBMITTED this 24th day of September, 2007.

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s/ James R. Dickens

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Certificate of Service

I hereby certify that on September 24, 2007,
a copy of the foregoing was served
electronically on:

Mark Choate
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s/ James R. Dickens